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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,493

03/08/2004

Andrew D. Wells

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EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/708,493

Applicant(s)

WELLS ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>9/28/06</u> |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/26/2006</u> | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> |

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21, 22, 24, 25, 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Namely, nowhere in the specification and drawings, as originally filed, is it stated that the angle between the first surface of the edging and the outer surface of the cabinet is obtuse or acute.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 15-18, 23, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Schorghuber (3,284,152). Schorghuber teaches a cabinet (Fig. 16) comprising: a set of cabinet panels (36,62 for example) forming a cabinet structure and U-shaped edging (34) secured to the bottom panel having a first surface of the edging extending beyond the outer surface of the panel at an angle to the outer surface of the

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panel and wherein the edging is substantially flush with the inner surface of the panel (see Figs. 9 and 16) via a projection portion (inner flange 34 and groove/ recess where the inner flange is positioned). Furthermore, the cabinet includes "slack" (at 61). Note: limitations found in intended use/"for" statements have been given no weight in the claims.

Claims 1, 4, 15, 17, 18, 23, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al (Re 21,825). Williams teaches a cabinet (Fig. 1) comprising: a set of cabinet panels (4) forming a cabinet structure and edging (29) secured to the side panels having a first surface of the edging extending beyond the outer surface of the panel at an angle to the outer surface of the panels (see attachment A; Fig. 3), wherein the edging is substantially flush with the inner surface of the panels (see Fig. 3) and a projection portion (see Fig. 3) is inserted into a groove (see Fig. 3) in the side panels. Furthermore, the cabinet includes "slack" (see Fig. 1) and shelves/shelf hardware (21/20).

Claims 15, 17, 18, 23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Buck et al (4,758,056). Buck teaches a cabinet (300; Fig. 9) comprising: a set of cabinet panels forming a cabinet structure and edging (72,74) secured to the panels having a first surface (at 74) of the edging extending beyond the outer surface of the panels at an angle to the outer surface of the panels and wherein the edging (at 72) is substantially flush with the inner surface of the panel (see Fig. 10). Furthermore, the cabinet includes "slack" (space formed by bottom flange 74).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorhuber. As stated above, Schorhuber teaches the limitations of claim 1, including a panel with edging material having an overhang. For claim 3, Schorhuber fails to specifically teach the degree of overhang of the edging material. However, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to have the overhang of the edging material be any of a number of dimensions, including between .125 and .5 inches, depending on the desired need of the person constructing the cabinet, e.g. for aesthetic reasons.

Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. As stated above, Williams teaches the limitations of claims 1 and 17, including a panel with edging material having an overhang and a projection on the edging and groove on the panel. For claim 3, Williams fails to specifically teach the degree of overhang of the edging material. However, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to have the overhang of the edging material be any of a number of dimensions, including between .125 and .5 inches, depending on the desired need of the person constructing the cabinet, e.g. for aesthetic reasons.

For claim 20, Williams fails to teach that the edging has the groove and the panel has the projection. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to switch the location of the groove and projection, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art *In re Einstein*, 8 USPQ 167.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al. As stated above, Buck teaches the limitations of claim 1, including a panel with edging material having an overhang. For claim 3, Buck fails to specifically teach the degree of overhang of the edging material. However, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to have the overhang of the edging material be any of a number of dimensions, including between .125 and .5 inches, depending on the desired need of the person constructing the cabinet, e.g. for aesthetic reasons.

Claims 4-6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorghuber in view of Enns (5,100,216). As stated above, Schorghuber teaches the limitations of claims 1 and 17, including panels with edging material. For claims 4-6 and 19, Schorghuber fails to teach hardware and shelves inside the cabinet. Enns teaches a cabinet (Fig. 1) with flush inner edging (26) and with flush hardware and shelves (81) therein. The shelves include grooved sides (see Fig. 1) and edging (85). It would have been obvious to one of ordinary skill in the art at the time of the invention to add shelves with the necessary hardware in the cabinet of Schorghuber, such as is taught by Enns, to add additional storage space therein.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al in view of Enns. As stated above, Buck teaches the limitations of claim 17, including panels with edging material. For claim 19, Buck fails to teach hardware inside the cabinet. Enns teaches a cabinet (Fig. 1) with flush inner edging (26) and with flush hardware and shelves (81) therein. The shelves include grooved sides (see Fig. 1) and edging (85). It would have been obvious to one of ordinary skill in the art at the time of the invention to add shelves with the necessary hardware in the cabinet of Buck, such as is taught by Enns, to add additional storage space therein.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al in view of Dickson (3,329,473). As stated above, Buck teaches the limitations of claim 17, including panels with edging material. For claim 19, Buck fails to teach hardware inside the cabinet. Dickson teaches a cabinet (Fig. 1) with flush inner edging (44) and with flush hardware and drawers therein (see Fig. 3 and column 3, line 21-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to add drawers with the necessary hardware in the cabinet of Buck, such as is taught by Dickson, to add additional and movably mounted storage space therein.

Claim 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorghuber in view of Dickson. As stated above, Schorghuber teaches the limitations of claims 1 and 17, including panels with edging material. For claims 6 and 19, Schorghuber fails to teach hardware inside the cabinet. Dickson teaches a cabinet (Fig. 1) with flush inner edging (44) and with flush hardware and drawers therein (see Fig. 3 and column 3, line 21-28). It would have been obvious to one of ordinary skill in the art

at the time of the invention to add drawers with the necessary hardware in the cabinet of Schorghuber, such as is taught by Dickson, to add additional and movably mounted storage space therein.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Note: Although the amended claims overcome the reference of Freeman, as discussed above, these claims can now be rejected over the references of Schorghuber, Williams et al and Buck et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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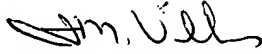
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
January 18, 2007


JANET M. WILKENS
PRIMARY EXAMINER
AU 3637

June 10, 1941.

P. G. WILLIAMS ET AL.

Re. 21,825

STORE FURNITURE

Original Filed Aug. 7, 1939

6 Sheets-Sheet 1

